

To: Whitlock, Steve[Whitlock.Steve@epa.gov]; Chemerys, Ruth[Chemerys.Ruth@epa.gov]; Reichert, Julie[reichert.julie@epa.gov]
From: Furtak, Sarah
Sent: Thur 9/12/2013 8:55:05 PM
Subject: FYI: email from Kalispel

Draft-Deliberative* Attorney-Client Privilege

Email attached below was discussed during our meeting on next steps earlier this week.

FYI, for you who couldn't attend for the R10-HQ chat earlier this week,

John Goodin requested R10 take the first cut at ~6 statements that could be circulated for agreement among the state, tribe, and EPA;

Ex. 5 - Deliberative

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Region 10 will draft this 2-pager by ~Sept. 23 for sharing with Jim Keating, Jim Curtin (HQ Informal Technical Review Team, too); we would like to come to agreement (state-tribe-and EPA) on this 2-pager as soon as possible and find a solution promptly.

Sarah

From: Croxton, Dave
Sent: Tuesday, September 10, 2013 3:18 PM
To: Rueda, Helen; Cope, Ben; Owens, Kim; Furtak, Sarah; Keating, Jim; Curtin, James
Subject: FW: email from Kalispel

See below. thanks

From: Opalski, Dan
Sent: Tuesday, September 10, 2013 8:26 AM
To: Croxton, Dave

Subject: Fw: Meeting Dates

Let's discuss....

From: Deane Osterman <dosterman@kalispeltribe.com>
Sent: Tuesday, September 10, 2013 11:15:15 AM
To: Opalski, Dan
Subject: Meeting Dates

Dan,

The day got away from me yesterday. Thanks for the call the other day and the meeting we had a week or so ago. I had some other thoughts after our call and thought that I would relay them here:

- 1) Kalispel does not think that the analytic method is a relative choice, particularly the relationship between a 60+ day pooling period and the 1dDMax standard. HQs attendance is a recognition of that serious vulnerability.
- 2) Kalispel is willing to work with EPA and Ecology towards a solution that avoids a prolonged dispute.
- 3) Kalispel thinks that components of such a solution are:
 - a. Adequate implementation at Box Canyon
 - b. Acknowledgement of unnatural heat load at the stateline during the critical period.
 - c. And any work needs to be backed with defensible science.
- 4) Vehicle to the solution:
 - a. Use Tribes analysis to determine violations in reservation reaches.
 - b. Tribe's analysis shows that heat load across stateline contributes to most violations of Tribal WQS.

c. Set allocation at stateline as margin of safety to ensure compliance with Tribe's WQS.

5) We also feel that a technical meeting at this time is not necessary without clear direction from you. We have done some analysis of the most recent EPA memo and are willing to share but we do not want to get lost in the same set of arguments.

We are willing to engage in three party or a bilateral discussion with just Ecology. Our schedules free up a bit , but are still tight, in late September (the week of the 30th) beyond that we will need to look at particular dates.

Thank you for your leadership on this important issue and I am confident that a solution can be reached that support Kalispel trust resource interests in terms of WQS, FERC license implementation and Kalispel/BPA/Corps MOA implementation as well as the other parties interests as well.

Let's talk further when you have an opportunity.

Regards,

Deane Osterman, Executive Director

dosterman@knrd.org

www.knrd.org

v 509.447-7282

c 509.993.0879

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